

News Service 34/98
AI INDEX: EUR 23/04/98
2 March 1998

PUBLIC STATEMENT

GERMANY

Nils B. must not be imprisoned for accusing Bremen authorities of racism

Amnesty International will adopt Nils B. as a prisoner of conscience and will call for his immediate and unconditional release if he is imprisoned, the organization said today in a letter to the Prime Minister of Bremen.

Nils B. faces trial and possible imprisonment simply for handing out leaflets which essentially accuse the Bremen Interior Minister and police of racist practices.

In the leaflet, which Nils B. is accused of handing out at Bremen railway station in September 1997, an organization calling itself the "Anarchistic Alternative" accuses the Bremen police of subjecting blacks in the city to arbitrary treatment "beginning with identity checks based solely on the colour of their skin". The police and the BASG (Bremen Tram Company) are also criticized for operating an "apartheid policy" through their actions in banning people suspected by the police of dealing in drugs on the city's trams and buses from using the public transport system.

In another passage quoted by the prosecuting authorities in their indictment, the authors of the leaflet call Bremen Interior Minister Ralf Borttscheller a "provincial Rambo" who, they say, "wants to 'cleanse' inner cities, public places and stations of beggars, punks, and drug users, and the whole country of refugees".

According to the Bremen authorities, the leaflet is "meant to cause the Bremen police and Bremen Minister of the Interior Borttscheller to be held in contempt and to suffer a loss in public esteem". The prosecution has been brought under sections 186 ("Malicious gossip") and 187 (a) ("Malicious gossip and criminal libel and slander against persons in political life") of the German Criminal Code. If he is tried and found guilty, Nils B. could be fined or imprisoned for up to five years.

In its letter to the Prime Minister, Amnesty International has stated that the prosecution of Nils B. represents a violation of Article 19 of the International Covenant on Civil and Political Rights and Article 10 of the European Convention for the Protection of Human Rights and Fundamental Freedoms, both of which treaty articles protect the right to freedom of expression.

Background

The prosecution of Nils B. for distributing leaflets accusing the Bremen authorities of racist practices is the third such prosecution in the city state in recent years. The last one was in February 1996, when Mathias Brettner appeared in court on charges of offering for sale copies of the document "Police officers who make you vomit". In the document, the Bremen-based non-governmental organization "Anti-Racism Office" criticized the Bremen authorities' practice of forcing black detainees to take emetics in order to induce them to vomit up drugs they were

suspected of swallowing. Mathias Brettner was charged under section 130 of the German Criminal Code (“Incitement of the people”), an offence which carries a penalty of up to five years’ imprisonment. He was found guilty and fined DM 750 (approximately £300). His conviction was overturned on appeal.

Amnesty International has documented allegations of ill-treatment by Bremen police officers of black detainees in its most recent report *Federal Republic of Germany: Continuing pattern of police ill-treatment*, published in July 1997 (AI Index: EUR 23/04/97).--->

*Source: Amnesty International, International Secretariat,
1 Easton Street, WC1X 8DJ, London, United Kingdom*